

Building Code Implementation Frequently Asked Questions

Certification requirement for code officers:

- Code officers in towns that have more than 2,000 in population that had a building code prior to Aug 1, 2008 have until Dec. 1, 2011 to be certified in the new code.
- Code officers in towns that have more than 2,000 in population but did not have a code prior to Aug. 1, 2008 have until July 1, 2013 to be certified in the new code.
- If there are any code officers in towns with less than 2,000 in population, they may be certified in the new code as part of their regular six-year recertification cycle.
- If a town with less than 2,000 population chooses to enforce the new code, the building official has 12 months to become certified after enforcement begins.

Status of training for code officers:

- Of the approximately 70 towns that had a residential building code prior to Aug. 1, 2008 only 15 have been identified as having a code officer who is not grandfathered. CEOs that have administered a national model building code continuously since August 1, 2008 or before are grandfathered.
- The training program for code officers was launched by SPO in November, 2010. The curriculum was developed by Kennebec Valley Community College and is being delivered by KVCC code trainers statewide.
- The State Planning Office coordinates the details of training including regular outreach to all code officers, course registration, and course evaluation.
- As of December 31, 2010, 207 code officers will have been trained in the new codes. Training is open to anyone who signs up for the program, and will continue to be offered throughout 2011 according to demand.
- The State Planning Office asks participants to evaluate the training and continually makes course adjustments to improve the training. For the fall 2010 training, the course evaluations have been very good overall.
- Training, certification exams and materials are free of charge to code officers and available to non code officers at a reasonable fee.
- Training content is basic and introductory. It is geared towards code officers that have not administered an ICC-type code before.

Code books:

- A CD version on that contains the four I-codes is provided free of charge to each municipality over 2,000 population whose code officer attends the training. Paper copies of the ventilation and radon codes are provided.
- The CD version is provided (instead of a hard copy) to code officers because it is easy to search and allows users to copy and paste code information into other documents.
- Code books and pocket guides to the code are available for purchase. Google International Code Council to order books and Amazon.com for pocket guides.

Funding for training:

- Since the original funding source (a surcharge on commercial plan reviews) has been less than expected due to the recession, the State Planning Office has applied for and received federal stimulus funds to support the training program.
- This funding runs out in 2011, so we are making every effort to get people trained within the next calendar year.
- A delay of code implementation would likely mean a need for new sources of funding to continue training after current funding runs out.
- A total of \$850,000 of funding is in hand :
 - \$500,000 to support code development and training
 - \$350,000 in part to develop training curricula on Maine's commercial energy code for new and existing structures and to subsidize training for third-party inspectors

Certification exams:

- The State Planning Office administers the certification exams for the new code including exam registration, proctoring exams, scoring exams, and tracking code officers' certification and recertification.
- The purpose of the code training is not for anyone to memorize the content of the code, but to ensure that code officers know how to use the code. For this reason, the certification exam is an open book test.
- The Kennebec Valley Community College developed the certification exams to correspond with the educational objectives of the training. The exams consist of 50 multiple choice questions and one essay question. A passing grade of 80 is needed.

- As of December 31, 2010, 79 code officers will have taken one or more of the exams to become certified in Maine's new code. Based on early results, the Office anticipates an 85-90% success rate of code officers and third-party inspectors taking the exams.

Not an “unfunded mandate:”

- Existing law prior to the new code required a certificate of occupancy be issued by towns with more than 2,000 people for any new construction.
- Towns with more than 2,000 in population may opt out of having a code enforcement program, and instead accept a third-party inspection report paid for by the property owner.
- Towns that opt for a third-party inspector are not obligated to incur any cost (for analyzing or reviewing the report) in accepting the third-party report, but they must receive the report prior to issuing a certificate of occupancy.
- Because the third-party inspection option does not carry a cost to the town, the new code law was determined by legal experts (including the Attorney General's Office) not to be an “unfunded mandate”.

Third-party inspectors:

- There are approximately 93 towns with more than 2,000 in population that did not have a code prior to August 1, 2008. Some of these towns may opt for third-party inspection.
- Few towns that had a code prior to August 1, 2008 are expected to drop their current code enforcement program and opt for third-party inspection.
- Code officers are not permitted by current law to be third-party inspectors. This was not intended by the original drafters of the law, and was added during the legislative process.
- To assist third-party inspectors who would like to be trained, the State Planning Office has obtained federal grant funds to reimburse TPIs for training. As of December 31, 2010, 163 third-party inspectors will have been trained in the new codes.

Cost of third-party inspection:

- The cost of third-party inspection to the homeowner is expected to be determined by the market—that is, inspectors that charge high prices will not be selected by building owners.
- If the cost of third-party inspection is determined to be too high due to the number of required visits to the property or any other factor, an amendment to the code could be submitted to the code board to address this.

- Anyone may submit a code amendment to the state board and the board is obligated to give them full consideration and vote.

Business climate and streamlining government:

- The intent of having a uniform code was to introduce a uniform rule across the state, reducing the cost and hassle of new development in the state.
- The intent was also to streamline and reduce the cost of government. If every town had to amend, adopt and update a separate code, the estimated cost is about \$800,000 every three years. The amending and adopting of the code on a statewide basis is expected to be less than half of this.

Builders and contractors:

- The code applies statewide, even in towns where there no enforcement is required.
- This is intended as a consumer protection measure. If substandard work or other practices covered in the code are not up to standard, the consumer has legal recourse.
- Builders and contractors know their trade. Most already know the International Codes on which Maine's code is based, and will not have to change their practice.
- The State Bureau of Building Codes and Standards has been presenting information about the new code to building trade associations.
- To assist builders and contractors who would like to be trained, the State Planning Office has obtained federal grant funds to develop an in-depth, 3-day training for builders and contractors. The Maine Community College System will deliver this training at cost to builders and contractors in the spring of 2011.

Contact information:

- For a [schedule of training courses](#)
- For training questions: [Amanda Lessard](#), Building Code Training Coordinator, State Planning Office, 624-6221
- For code interpretation questions or amendments to the code: [Richard Dolby](#), Director, Bureau of Building Codes and Standards, Department of Public Safety, 624-7006
- For legislative policy questions, [Sue Inches](#), Deputy Director, State Planning Office, 624-6203